

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

GARY EVANS, JR.,)	Case No. 3:14-cv-125
)	
Plaintiff,)	JUDGE KIM R. GIBSON
)	
v.)	
)	
CERNICS, INC., d/b/a "Cernics Suzuki")	
and "Cernics Pit Stop," EDWARD)	
CERNIC, JR.,)	
)	
Defendants.)	

JURY VERDICT FORM

We, the jury, unanimously find the following by a preponderance of the evidence:

Questions 1-6—ADA Discrimination

1. Do you find that Plaintiff Gary Evans, Jr. proved by a preponderance of the evidence that his disabilities were motivating factors in Cernics, Inc.'s alleged decision to take adverse action against him?

Answer: Yes _____ No ✓

2. Do you find that Plaintiff Gary Evans, Jr. proved by a preponderance of the evidence that his disabilities were motivating factors in Edward Cernics, Jr.'s alleged decision to take adverse action against him?

Answer: Yes _____ No ✓

3. Do you find that Plaintiff Gary Evans, Jr. proved by a preponderance of the evidence that his perceived disabilities were motivating factors in Cernics, Inc.'s alleged decision to take adverse action against him?

Answer: Yes _____ No ✓

4. Do you find that Plaintiff Gary Evans, Jr. proved by a preponderance of the evidence that his perceived disabilities were motivating factors in Edward Cernic, Jr.'s alleged decision to take adverse action against him?

Answer: Yes _____ No ✓

5. Do you find that Plaintiff Gary Evans, Jr. proved by a preponderance of the evidence that his record of disability was a motivating factor in Cernics, Inc.'s alleged decision to take adverse action against him?

Answer: Yes _____ No ✓

6. Do you find that Plaintiff Gary Evans, Jr. proved by a preponderance of the evidence that his record of disability was a motivating factor in Edward Cernic, Jr.'s alleged decision to take adverse action against him?

Answer: Yes _____ No ✓

Question 7-8—Reasonable Accommodation

7. Do you find that Plaintiff Gary Evans, Jr. proved by a preponderance of the evidence that Cernics, Inc. failed to reasonably accommodate his disabilities?

Answer: Yes ✓ No _____

8. Do you find that Plaintiff Gary Evans, Jr. proved by a preponderance of the evidence that Edward Cernic, Jr. failed to reasonably accommodate his disabilities?

Answer: Yes _____ No ✓

Questions 9-10—Retaliation

9. Do you find that Plaintiff Gary Evans, Jr. proved by a preponderance of the evidence that his request for a reasonable accommodation was a determinative factor in Cernics, Inc.'s alleged decision to take adverse action against him?

Answer: Yes _____ No ✓

10. Do you find that Plaintiff Gary Evans, Jr. proved by a preponderance of the evidence that his request for a reasonable accommodation was a determinative factor in Edward Cernic, Jr.'s alleged decision to take adverse action against him?

Answer: Yes _____ No ✓

- If you answered "Yes" to any of the preceding questions (i.e., Questions 1, 2, 3, 4, 5, 6, 7, 8, 9, or 10), please proceed to Question 11 and Question 12.
- If you answer "No" to all of the preceding questions (i.e., Questions 1, 2, 3, 4, 5, 6, 7, 8, 9, or 10), please have all jurors sign the final page of this verdict form. Then, please have your foreperson sign and date the final page of this verdict form and contact the bailiff.

Questions 11-12—Affirmative Defenses

11. Do you find that Defendant Cernics, Inc. proved by a preponderance of the evidence that reasonably accommodating Plaintiff Gary Evans, Jr. would cause an undue hardship on Cernics, Inc.?

Answer: Yes _____ No ✓

12. Do you find that Defendant Cernics, Inc. proved by a preponderance of the evidence that Plaintiff Gary Evans, Jr. was a direct threat to the safety of himself or others in the workplace?

Answer: Yes _____ No ✓

- If you answered "No" to Question 11 and Question 12, please proceed to Questions 13-17 below.
- If you answered "Yes" to either Question 11 or Question 12, please have all jurors sign the final page of this verdict form. Then, please have your foreperson sign and date the final page of this verdict form and contact the bailiff.

Questions 13-15—Damages

13. How much do you award Plaintiff Gary Evans, Jr. in back pay (lost wages)?

\$ 27,726.20 ^{OUT-OF-STATE CMA}
LOST WAGES (+) Medical insurance

14. How much do you award Plaintiff Gary Evans, Jr. in compensatory damages, including damages, if any, for emotional distress?

\$ 0⁰⁰

15. How much do you award Plaintiff Gary Evans, Jr. in front pay?

\$ 0⁰⁰

Question 16—Responsibility of Edward Cernic, Jr.

16. Do you find that Plaintiff Gary Evans, Jr. proved by a preponderance of the evidence that Defendant Edward Cernic, Jr. authorized, directed, or participated in the alleged discrimination or retaliation?

Answer: Yes _____ No ✓

- Proceed to Question 17 only if, due to your answers to Questions 1-12, you responded to Questions 13-15 and your response to Questions 13-15 totaled \$0.

Question 17—Nominal Damages

17. How much do you award Plaintiff Gary Evans, Jr. in nominal damages?

\$_____ (put \$1.00 in this space only if, due to your answers to Questions 1-12, you responded to Questions 13-15 and your response to Questions 13-15 totaled \$0)

YOU HAVE COMPLETED YOUR DELIBERATIONS. PLEASE SIGN THE JUROR SIGNATURE PAGE AND INFORM THE BAILIFF THAT YOU HAVE COMPLETED YOUR DELIBERATIONS.

JUROR SIGNATURE PAGE

Date: 11/2/17

Signed: Chad M. Albert (Jury Foreperson)

Samuel D. Mills

Robert L. Maylor Sr

[Signature]

Robt J. Tully

Rebekah Cline

[Signature]

Stephen Kaymer

Glenn Munnell

Juan A. Baum

[Signature]

R. Bloom